

3858. Misbranding of tablets of mannitol hexanitrate and phenobarbital, diethylstilbestrol tablets, phenobarbital tablets, methyltestosterone tablets, and dextro-amphetamine sulfate tablets. U. S. v. Orville L. Moffett and Gerald F. Tharp. Pleas of guilty. Fine of \$150, plus costs, against Defendant Tharp and \$50 against Defendant Moffett. (F. D. C. No. 33719. Sample Nos. 30955-L, 30965-L, 32497-L, 32527-L, 32530-L, 34293-L, 34294-L, 34297-L.)

INFORMATION FILED: October 10, 1952, Western District of Missouri, against Orville L. Moffett and Gerald F. Tharp, pharmacists for the Nu-Way Stores, a partnership, Joplin, Mo.

ALLEGED VIOLATION: On or about May 14 and 25, July 31, and October 1 and 31, 1951, while quantities of tablets of *mannitol hexanitrate and phenobarbital, diethylstilbestrol tablets, phenobarbital tablets, methyltestosterone tablets, and dextro-amphetamine sulfate tablets* were being held for sale at the Nu-Way Stores after shipment in interstate commerce, Orville L. Moffett caused a number of tablets of *mannitol hexanitrate and phenobarbital*, and Gerald F. Tharp caused a number of tablets of the other drugs, to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (d), the *phenobarbital tablets* and the tablets of *mannitol hexanitrate and phenobarbital* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the labels of the repackaged drugs failed to bear the quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (1), the repackaged *methyltestosterone tablets* failed to bear a label containing the common or usual name of the drug; and, Section 502 (e) (2), the repackaged *dextro-amphetamine sulfate tablets* and a portion of the repackaged tablets of *mannitol hexanitrate and phenobarbital* failed to bear labels containing the common or usual name of each active ingredient of the drugs.

DISPOSITION: December 1, 1952. Pleas of guilty having been entered, the court imposed a fine of \$150, plus costs, against Defendant Tharp and a fine of \$50 against Defendant Moffett.

3859. Misbranding of dextro-amphetamine sulfate tablets, Seconal Sodium capsules, methamphetamine hydrochloride tablets, and methyltestosterone tablets. U. S. v. Mose Drug, Inc., and Roy I. Preston and Vinton B. Clark. Pleas of nolo contendere. Fine of \$200 against corporation, \$75 against Defendant Preston, and \$45 against Defendant Clark. (F. D. C. No. 32730. Sample Nos. 15475-L to 15477-L, incl., 15481-L, 15482-L, 15484-L, 15488-L, 15489-L.)

INFORMATION FILED: September 18, 1952, Western District of Oklahoma, against Mose Drug, Inc., Lawton, Okla., and Roy I. Preston, a pharmacist, and Vinton B. Clark, an employee.

ALLEGED VIOLATION: On or about September 9 and 29 and October 11, 13, 15, and 22, 1951, while quantities of *dextro-amphetamine sulfate tablets*, *Seconal Sodium capsules*, *methamphetamine hydrochloride tablets*, and *methyldtestosterone tablets* were being held for sale at Mose Drug, Inc., after shipment in interstate commerce, various quantities of the drugs were repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

Mose Drug, Inc., was charged with causing the acts of repacking and dispensing of the drugs involved in each of the 8 counts of the information, and, in addition, Defendant Preston, in 5 of the counts, and Defendant Clark, in 3 of the counts, were charged with causing such acts to be done in connection with the drugs involved in those counts.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), all of the repackaged drugs failed to bear labels containing an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of all of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (b) (1), portions of the repackaged *dextro-amphetamine sulfate tablets* and *methyldtestosterone tablets* and all of the repackaged *methamphetamine hydrochloride tablets* failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor.

Further misbranding, Section 502 (d), the repackaged *Seconal Sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (2), the repackaged *dextro-amphetamine sulfate tablets* and *methamphetamine hydrochloride tablets* and a portion of the *methyldtestosterone tablets* failed to bear labels containing the common or usual name of the active ingredients of the drugs; and, Section 502 (f) (2), the repackaged *methamphetamine hydrochloride tablets* failed to bear labeling containing adequate warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration, in such manner and form, as are necessary for the protection of users.

DISPOSITION: November 20, 1952. Pleas of nolo contendere having been entered, the court imposed a fine of \$200 against the corporation, \$75 against Defendant Preston, and \$45 against Defendant Clark.

3860. Misbranding of diethylstilbestrol tablets and dextro-amphetamine sulfate tablets. U. S. v. Grover C. Gearien (Gearien's Prescription Store). Plea of guilty. Fine of \$500, plus costs. (F. D. C. No. 33728. Sample Nos. 32704-L, 34339-L, 34350-L, 34352-L, 34454-L.)

INFORMATION FILED: November 20, 1952, Southern District of Illinois, against Grover C. Gearien, trading as Gearien's Prescription Store, Chillicothe, Ill.